

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

THOMAS W. TREFNY,  
Plaintiff  
v.  
HYANNIS HARBOR TOURS, INC.,  
Defendant

FILED  
ON CLERK'S OFFICE  
2004 JUL -7 P 4 26  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
CIVIL ACTION No. 04-10798-NG

Pursuant to Local Rule 16.1(D) of the United States District Court for the District of Massachusetts, the parties hereby propose the following to the Court as their jointly-suggested schedule for discovery, filing of dispositive motions and other matters.

**I. MOTION PRACTICE, ETC.**

The parties propose to file motions to add parties and/or amend pleadings on or before August 31, 2004, with the exception of those based upon evidence revealed after that time.

**II. DISCOVERY**

Discovery to commence as of July 13, 2004, subject to the obligation of submission of initial disclosures by the party seeking discovery. Subject to any later orders of the Court, the parties propose the following discovery:

- (i) all discovery to be completed by March 25, 2005, except that depositions of witnesses who will be unavailable to be subpoenaed for trial may be conducted up until 10 calendar days before the first scheduled date for trial;
- (ii) Complete designation of expert testimony (including complete answers to expert interrogatories and/or completion of Rule 26 expert materials if required) with regard to issues upon which the proponent of the expert bears the burden of proof, to be served on or before February 1, 2005;
- (iii) Complete designation of expert testimony (including complete answers to expert interrogatories and/or completion of Rule 26 expert materials if required) which will be offered in response to expert testimony set forth in the preceding paragraph or to rebut and/or contradict evidence offered by the opposing party upon which the opposing party has the burden of proof, to be served on or before March 1, 2005; and
- (iv) .

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served on the attorney of record for each party named in this action, by mail, postage prepaid on 7-7-04.  
*David J. Anderson*

**III. TRIAL ARRANGEMENTS**

Final pretrial conference to be held on some date after April 1, 2005, with the case to be ready for trial not later than May 1, 2005.

**IV. CERTIFICATES OF COMPLIANCE**

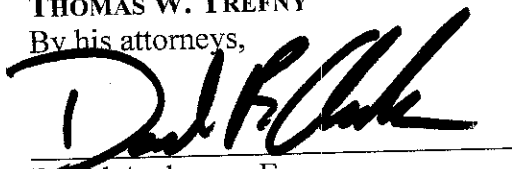
The parties are independently filing their Certificates of Compliance pursuant to Local Rule 16.1(D)(3).

**V. CONSIDERATION OF TRIAL BY MAGISTRATE JUDGE**

The parties do not all consent to trial by magistrate judge at this time.

**THOMAS W. TREFNY**

By his attorneys,



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**HYANNIS HARBOR TOURS, INC.**

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